UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WEB TELEPHONY, LLC., an Illinois corporation,

Plaintiff,

vs.

Verizon Communications, Inc., a Delaware corporation, AT&T Corp., a New York corporation, AT&T Inc., a Delaware corporation, EarthLink, Inc., a Delaware corporation, SunRocket Corp., a Delaware corporation, Vonage Holdings Corp., a Delaware corporation, and Vonage America, Inc., a Delaware corporation,

Defendants.

CASE NO. 2:07-CV-85

Plaintiff and Counterdefendant Web Telephony, LLC's Reply to Counterclaims of Vonage Holdings Corp. and Vonage America, Inc.

JURY DEMANDED

Plaintiff and Counterdefendant, Web Telephony, LLC ("Web Telephony") hereby answers the counterclaims of Defendants Vonage Holdings Corp. and Vonage America, Inc. ("Vonage"). The paragraphs in this reply are numbered to correspond with the paragraph numbers in Vonage's counterclaims; accordingly, the first numbered paragraph is number 34. All of the allegations of the counterclaims not specifically admitted herein are specifically denied.

Answer to Counterclaims

34. Web Telephony admits the allegations contained in paragraph 34 of Vonage's counterclaims.

35. Upon information and belief, Web Telephony admits the allegations contained in paragraph 35 of Vonage's counterclaims.

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36. Web Telephony admits the allegations contained in paragraph 36 of Vonage's counterclaims.

37. Upon information and belief, Web Telephony admits that Vonage brings counterclaims which purport to be under the Declaratory Judgment Acts, Title 28 of the United States Code §§ 2201 and 2202, and the Patent Laws of the United States based upon an alleged controversy as to the infringement, validity, and enforceability of the '694 and '266 Patents.

38. Web Telephony admits the allegations contained in paragraph 38 of Vonage's counterclaims.

Count I:

Non-Infringement of the '694 Patent

39. Paragraph 39 of Vonage's Counterclaims incorporates by reference the allegations of paragraphs 1 through 38 of Vonage's Answer and Counterclaims. Paragraphs 1 through 33 contain a series of denials and admissions by Vonage to Web Telephony's Complaint and do not appear to contain allegations that call for a reply by Web Telephony. In response to Paragraph 39's incorporation of paragraphs 34 through 38 of Vonage's Counterclaims, Web Telephony incorporates by references its response to the allegations of paragraphs 34 through 38 of Vonage's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 39.

40. Web Telephony admits the allegations contained in paragraph 40 of Vonage's counterclaims.

41. Web Telephony denies the allegations contained in paragraph 41 of Vonage's counterclaims.

42. Web Telephony denies the allegations contained in paragraph 42 of Vonage's counterclaims.

COUNT II:

Non-infringement of the '266 Patent

43. Paragraph 43 of Vonage's Counterclaims incorporates by reference the allegations of paragraphs 1 through 38 of Vonage's Answer and Counterclaims. Paragraphs 1 through 33 contain a series of denials and admissions by Vonage to Web Telephony's Complaint and do not appear to contain allegations that call for a reply by Web Telephony. In response to Paragraph 39's incorporation of paragraphs 34 through 38 of Vonage's Counterclaims, Web Telephony incorporates by references its response to the allegations of paragraphs 34 through 38 of Vonage's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 43.

44. Web Telephony admits the allegations contained in paragraph 44 of Vonage's counterclaims.

45. Web Telephony denies the allegations contained in paragraph 45 of Vonage's counterclaims.

46. Web Telephony denies the allegations contained in paragraph 46 of Vonage's counterclaims.

COUNT III:

Invalidity of the '694 Patent

47. Paragraph 47 of Vonage's Counterclaims incorporates by reference the allegations of paragraphs 1 through 38 of Vonage's Answer and Counterclaims. Paragraphs 1 through 33 contain a series of denials and admissions by Vonage to Web Telephony's Complaint and do not appear to contain allegations that call for a reply by Web Telephony. In response to Paragraph 47's incorporation of paragraphs 34 through 38 of Vonage's Counterclaims, Web Telephony incorporates by references its response to the allegations of paragraphs 34 through 38 of Vonage's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 47.

48. Web Telephony admits the allegations contained in paragraph 48 of Vonage's counterclaims.

49. Web Telephony admits the allegations contained in paragraph 49 of Vonage's counterclaims.

50. Web Telephony denies the allegations contained in paragraph 50 of Vonage's counterclaims.

51. Web Telephony denies the allegations contained in paragraph 51 of Vonage's counterclaims.

COUNT IV:

Invalidity of the '266 Patent

52. Paragraph 52 of Vonage's Counterclaims incorporates by reference the allegations of paragraphs 1 through 38 of Vonage's Answer and Counterclaims. Paragraphs 1 through 33 contain a series of denials and admissions by Vonage to Web Telephony's Complaint and do not appear to contain allegations that call for a reply by Web Telephony. In response to Paragraph 52's incorporation of paragraphs 34 through 38 of Vonage's Counterclaims, Web Telephony incorporates by references its response to the allegations of paragraphs 34 through 38 of Vonage's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 52.

53. Web Telephony admits the allegations contained in paragraph 53 of Vonage's counterclaims.

54. Web Telephony admits the allegations contained in paragraph 54 of Vonage's counterclaims.

55. Web Telephony denies the allegations contained in paragraph 55 of Vonage's counterclaims.

56. Web Telephony denies the allegations contained in paragraph 56 of Vonage's counterclaims.

COUNT V:

Unenforceability of the '694 and '266 Patents

57. Paragraph 57 of Vonage's Counterclaims incorporates by reference the allegations of paragraphs 1 through 56 of Vonage's Answer and Counterclaims. Paragraphs 1 through 33 contain a series of denials and admissions by Vonage to Web Telephony's Complaint and do not appear to contain any allegations that call for a reply by Web Telephony. In response to Paragraph 57's incorporation of paragraphs 34 through 56 of Vonage's Counterclaims, Web Telephony incorporates by references its response to the allegations of paragraphs 34 through 56 of Vonage's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 57.

58. Web Telephony admits the allegations contained in paragraph 58 of Vonage's counterclaims.

59. Web Telephony admits the allegations contained in paragraph 59 of Vonage's counterclaims.

60. Web Telephony denies the allegations contained in paragraph 60 of Vonage's counterclaims.

61. Web Telephony denies the allegations contained in paragraph 61 of Vonage's counterclaims.

JURY DEMAND

Plaintiff and Counterdefendant Web Telephony demands trial by jury of all issues.

Dated: April 30, 2007

Respectfully submitted,

By: /s/ Andrew W. Spangler

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ATTORNEYS FOR PLAINTIFF,
WEB TELEPHONY, LLC

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 30th day of April, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Andrew W. Spangler
Andrew W. Spangler